

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**PLAINTIFFS' AMENDED MOTION TO COMPEL DISCOVERY**

COME NOW Plaintiffs, through counsel, and respectfully ask the Court to enter an order compelling Defendants to produce responsive documents before the close of discovery, stating as follows:

The parties have resolved all of their issues related to Plaintiffs Interrogatories directed to Defendants. Plaintiffs continue to seek documents—specifically emails—concerning the following incidents alleged in the Fourth Amended Complaint: March 15, 2012, May 24, 2012, October 12, 2014, September 17, 2017, and October 3, 2017. Plaintiffs have not yet received any emails, which they believe are relevant to their claims.

The parties agreed by telephone that Plaintiffs would provide search terms to the City, so that the City could conduct a search for responsive emails. Plaintiffs provided search terms on December 21, 2023. Defendants raised concerns on December 22, 2023 that some of the search terms could take months to download the results. Plaintiffs consulted with IT professionals, and provided revised search terms to the City on December 26, 2023 (Exhibit 4).

Plaintiffs do not believe that the parties are in dispute over whether these materials will be produced, but rather, that questions remain as to whether Defendants have enough time to produce them before the close of discovery. Plaintiffs continue to seek the following:

## Exhibit 2:

Requests for Production No. 3, 4, 11, 14, 15, 18: Defendants stated that they are waiting on the results of the email search before responding to these specific requests, and that they cannot properly answer these until the search results are returned.

### **Exhibit 3:**

Request for Production No. 4: Plaintiffs continue to seek videos and photographs from the October 12, 2014 incident at Quicktrip on South Vandeventer Avenue in the City of St. Louis. Defendant

has stated that they are “unaware of any additional responsive videos and photographs.” Plaintiff continues to believe that responsive videos and/or photographs are in Defendants’ possession, and asks the Court to order Defendants to make a definitive search and produce responsive materials.

Nos. 7 and 9: Plaintiffs continue to seek emails by any officer, command staff, or civilian related to the Incidents of: March 15, 2012, May 24, 2012, October 12, 2014, and September 17, 2017, as well as any notes, emails, narratives, or memorandum sent by officers to any member of any documentation team concerning the March 15, 2012, May 24, 2012, October 12, 2014, and September 17, 2017 Incidents.

No. 10: Plaintiffs continue to seek any Garrity statements made by any officer that is related to the March 15, 2012, May 24, 2012, October 12, 2014, and September 17, 2017 Incidents. Defendants stated by telephone that they are unaware of any Garrity statements concerning these dates, other than those that involve Luther Hall (which Plaintiffs are not interested in). Plaintiffs ask that Defendants be ordered to supplement their response to state with certainty whether any such statements exist.

Based on the above, Plaintiffs believe the Court should order the materials listed above to be produced, and find good cause to extend the deadline for Defendants to produce the materials listed above to January 12, 2023, or another date that the Court sets. Plaintiffs consulted with Defendants regarding the January 12 date, and Defendants were unable to say whether January 12, 2024 is sufficient time to produce those materials, until the results of the search are completed.

Respectfully submitted,

**NEWTON BARTH, L.L.P.**

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*One of the Attorneys for Plaintiff*

**FED. R. CIV. P. 37(a)(1) & L.R. 3.04(A) CERTIFICATION**

Movant's counsel (Talmage Newton and Steven Hoffmann) spoke with Mr. Adriano Martinez, Esq., attorney for all Defendants for over 1 hour on December 18, 2023. I have continued to follow up with Mr. Martinez by email to resolve the remaining discovery disputes. Based on all of the above, I state that I have made good faith, sincere, and reasonable efforts to resolve the discovery dispute with Mr. Martinez.

Dated: December 26, 2023

/s/ Steven S. Hoffmann

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 26th day of December, 2023, the foregoing document was electronically filed with the Court via the CM/ECF system.

/s/ Steven S. Hoffmann